

REMARKS

This is a full and timely response to the outstanding final Office Action mailed August 2, 2010. Through this response, claims 1, 4-5, 9-13, 16-21, 23, 25-26, 29, 35-36, 43, 47, 53, and 55 have been amended, and claims 8 and 33 have been canceled without prejudice, waiver, or disclaimer. Reconsideration and allowance of the application and pending claims 1-5, 9-32, 34-41, 43-48, and 53-59 are respectfully requested.

I. Substance of the Interview

As set forth in the Interview Summary dated January 25, 2011, Examiner Belousov and Applicants' representative, David Rodack (USPTO Reg. 47,034) participated in an Applicant-initiated telephonic interview on January 19, 2011, to discuss claims 1 and 26 and the Bruck reference. No agreement was reached. Applicants appreciate Examiner's time and participation in the interview.

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Statement of the Rejection

1. Claims 1-3, 5, 8-12, 14-17, 20-24, 26-28, 30-37, 39-40, 43-48, 53-56, and 58-59 have been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *Bruck* (U.S. Patent No. 6,008,836) in view of *ATI* (ATI Multimedia center 7.9, User's Guide, Copyright (c) 2002, ATI Technologies Inc.).

2. Claims 4 and 29 have been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *Bruck* in view of *ATI* and in further view of *Krane* (U.S. Patent No. 5,799,063).

3. Claims 13, 18, 19 and 38 have been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *Bruck* in view of *ATI*, in further view of *Elswick et al.* ("*Elswick*," U.S.

Patent No. 6,791,620) and in further view of *May* (U.S. Patent No. 5,544,354).

4. Claim 57 has been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *Bruck* in view of *ATI* and in further view of *Elswick*.

5. Claim 25 has been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *ATI* in view of *Rzeszewski et al.* ("*Rzeszewski*," U.S. Patent No. 5,512,958).

6. Claim 41 has been rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *Bruck* in view of *ATI* and in further view of *Rzeszewski*.

Applicants respectfully traverse these rejections to the extent not rendered moot by amendment.

B. Discussion of the Rejection

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquiries, also expressed in MPEP 2100-116, are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

Applicants respectfully submit that a *prima facie* case of obviousness is not established using the art of record.

1. Claims 1-3, 5, 8-12, 14-17, 20-24, 26-28, 30-37, 39-40, 43-48, 53-56, and 58-59 - 35

U.S.C. 103(a) - Bruck and ATI.

(a) Independent claim 1 and dependent claims 2-3, 5, 9-12, 14-17, 20-24, 53, and 59

Claim 1 recites (with emphasis added):

1. A method for determining the characteristics of a display device coupled to a network client device capable of receiving television (TV) signals, the network client device having video and audio output capabilities, said method comprising:

driving a display device with a first video output signal formatted according to a first video interface specification;

responsive to driving the display device, soliciting a response from a user, the solicitation comprising information rendered on a screen of the display device, the solicitation and nature of the response used to determine whether the user either can or cannot presently observe the information rendered on the display device, the information included in the first video output signal;

responsive to receiving user input based on the solicitation, determining a characteristic of the display device; and

responsive to receiving no user input during a predetermined interval after the solicitation, automatically driving the display device with a second video output signal to solicit a response from the user.

Applicants respectfully submit that the amendments to claim 1 have rendered the rejection moot. Further, Applicants respectfully submit that independent claim 1 as amended is allowable over *Bruck* in view of *ATI* for at least the reason that *Bruck* fails to disclose, teach, or suggest at least the above emphasized claim features. For at least this reason, Applicants respectfully submit that a *prima facie* case of obviousness has not been established, and respectfully request that the rejection be withdrawn.

Because independent claim 1 is allowable over *Bruck* in view of *ATI*, dependent claims 2-3, 5, 9-12, 14-17, 20-24, 53, and 59 are allowable as a matter of law for at least the reason that the dependent claims 2-3, 5, 9-12, 14-17, 20-24, 53, and 59 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

(b) Independent claim 26 and dependent claims 27-28, 30-32, 34-37, 39-40, 43-48, and 54

Claim 26 recites (with emphasis added):

26. A system for determining the characteristics of a display device, said system comprising:
a memory with logic; and
a processor configured with the logic to:
drive a display device with a first video output signal formatted according to a first video interface specification;
responsive to driving the display device, solicit a response from a user, the solicitation comprising information rendered on a screen of the display device, the solicitation and nature of the response used to determine whether the user either can or cannot presently observe the information rendered on the display device, the information included in the first video output signal;
responsive to receiving user input based on the solicitation, determine a characteristic of the display device; and
responsive to receiving no user input during a predetermined interval after the solicitation, automatically drive the display device with a second video output signal to solicit a response from the user.

Applicants respectfully submit that the amendments to claim 26 have rendered the rejection moot. Further, Applicants respectfully submit that independent claim 26 as amended is allowable over *Bruck* in view of *ATI* for at least the reason that *Bruck* fails to disclose, teach, or suggest at least the above emphasized claim features. For at least this reason, Applicants respectfully submit that a *prima facie* case of obviousness has not been established, and respectfully request that the rejection be withdrawn.

Because independent claim 26 is allowable over *Bruck* in view of *ATI*, dependent claims 27-28, 30-32, 34-37, 39-40, 43-48, and 54 are allowable as a matter of law.

(c) Independent claim 55 and dependent claims 56 and 58

Claim 55 recites (with emphasis added):

55. A method, comprising:
outputting by a network client device a first television signal to a display device, the first television signal comprising one or more pictures, wherein at least one picture has a parameter configured with a first value;
outputting a second television signal to the display device, the second television signal comprising one or more pictures, at least one picture having the parameter configured with a second value, the difference in parameter values resulting in a difference in visual appearance of the at least one picture corresponding to each of the first and second television signals, ***the difference in parameter values based on modification of the parameter values by a media engine of the network client device without user manipulation***; and
soliciting one or more user inputs from a user, the solicitation intended to determine a user preference for the at least one picture corresponding to the first television signal or the second television signal; and
determining a display device characteristic based on the solicited user inputs.

Applicants respectfully submit that the amendments to claim 55 have rendered the rejection moot. Further, Applicants respectfully submit that independent claim 55 as amended is allowable over *Bruck* in view of *ATI* for at least the reason that *Bruck* fails to disclose, teach, or suggest at least the above emphasized claim features. For at least this reason, Applicants respectfully submit that a *prima facie* case of obviousness has not been established, and respectfully request that the rejection be withdrawn.

Because independent claim 55 is allowable over *Bruck* in view of *ATI*, dependent claims 56 and 58 are allowable as a matter of law.

2. Claims 4 and 29 - 35 U.S.C. 103(a) – *Bruck*, *ATI*, and *Krane*.

The addition of *Krane* does not cure the deficiencies of *Bruck* and *ATI* discussed above in connection with independent claims 1 and 26. For at least the reason that independent claims 1 and 26 are allowable over *Bruck* in view of *ATI* in further view of *Krane*, Applicants respectfully

submit that claims 4 and 29 are allowable as a matter of law. Therefore, Applicants respectfully request that the rejection of claims 4 and 29 be withdrawn.

3. Claims 13, 18, 19 and 38 - 35 U.S.C. 103(a) – Bruck, ATI, Elswick, and May.

The addition of *Elswick* and *May* do not cure the deficiencies of *Bruck* in view of *ATI* discussed above in connection with independent claims 1 and 26. For at least the reason that independent claims 1 and 26 are allowable over *Bruck* in view of *ATI*, *Elswick* and *May*, Applicants respectfully submit that claims 13, 18, 19, and 38 are allowable as a matter of law. Therefore, Applicants respectfully request that the rejection of claims 13, 18, 19, and 38 be withdrawn.

4. Claim 57 - 35 U.S.C. 103(a) – Bruck, ATI, and Elswick.

The addition of *Elswick* does not cure the deficiencies of *Bruck* in view of *ATI* discussed above in connection with independent claim 55. For at least the reason that independent claim 55 is allowable over *Bruck* in view of *ATI* and *Elswick*, Applicants respectfully submit that claim 57 is allowable as a matter of law. Therefore, Applicants respectfully request that the rejection of claim 57 be withdrawn.

5. Claim 25 - 35 U.S.C. 103(a) – ATI and Rzeszewski.

Claim 25 recites (with emphasis added):

25. A method for determining the characteristics of a display device coupled to a network client device, said method comprising:

cycling through a plurality of video formats, each part of the cycle including a predetermined time duration, the cycling occurring without an interruption corresponding to physical manipulation by a user of connections between the display device and the network client device;

outputting a video signal including pictures for each part of the cycle, wherein the pictures include at least one of graphics data and video data;

processing the pictures for each video format for output to the display device;

setting parameters of a video output port according to each video format, the setting implemented without user manipulation of the parameters;

soliciting a user response from the user for each video format, wherein the soliciting includes presenting at least one of visible instructions and audible instructions to the user;

determining at least one characteristic of the display device based on the user response, wherein the characteristic includes at least one of type of device, picture size, frame rate, scan format, color format, colorimetry, picture width-to-height aspect ratio, width-to-height aspect ratio of pixels, capability of providing ancillary data, manner of providing the ancillary data; and

driving the display device according to at least one parameter of a received TV signal processed by the network client device according to the determined characteristic to present images on a display screen of the display device.

Applicants respectfully submit that the amendments to independent claim 25 render the rejection moot. Further, Applicants respectfully submit that independent claim 25 is allowable over *ATI* in view of *Rzeszewski* for at least the reason that *ATI* in view of *Rzeszewski* fails to disclose, teach, or suggest at least the above emphasized claim features. Assuming *arguendo* plural formats in *ATI*, Applicants note that it is not obvious to change formats as claimed, and indeed, to do so as claimed in *ATI* would fundamentally alter the principle of operation of *ATI*, which indicates non-obviousness of the claim.

Further, Applicants respectfully submit that the substitution of circuits (to cycle through) and formats is not obvious. The circuits of *Rzeszewski* pertain to noise compensation, which is entirely different than what is disclosed in *ATI*. The systems standing alone do not act the same as they do singly, but rather, the circuits of *Rzeszewski* require fundamental changes to handle video/graphics display processing and change of formats. In other words, despite allegations to the contrary, it is not obvious to combine *ATI* and *Rzeszewski*, nor is there any predictability of success in combining the teachings of these two disparate systems. For at least these reasons, Applicants respectfully request that the rejection be withdrawn and claim 25 allowed.

6. Claim 41 - 35 U.S.C. 103(a) – *Bruck* in view of *ATI* and in further view of *Rzeszewski*.

As set forth above, claim 26 is allowable over *Bruck* in view of *ATI*. *Rzeszewski* does not remedy the above-described deficiencies. For at least the reason that *Bruck* in view of *ATI* and further in view of *Rzeszewski* fails to disclose, teach, or suggest at least the above-emphasized features of claim 26, dependent claim 41 is allowable as a matter of law. Accordingly, Applicants respectfully request that the rejection be withdrawn and claim 41 allowed.

III. Canceled Claims

As identified above, claims 8 and 33 has been canceled from the application through this response without prejudice, waiver, or disclaimer. Applicants reserve the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

Date: February 2, 2011

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